

AMENDED IN ASSEMBLY APRIL 9, 2003
AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 625

Introduced by Assembly Member Spitzer

February 19, 2003

An act to add Section 22658.3 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 625, as amended, Spitzer. Vehicles: towing: storage charge.

Existing law provides a procedure for the release of a vehicle that has been placed in storage following its removal when parked or left standing in a location where a city or county has prohibited parking and has authorized removal of the vehicle and where signs are posted giving notice of the removal.

This bill would require a storage facility operator or keeper who holds a vehicle that is placed in storage following its removal under the above circumstances to, upon the in person demand of the registered owner or the owner's agent, release the vehicle within one hour of that demand if made during the facility's business hours or within two hours of that demand if made during nonbusiness hours of the facility and if certain conditions apply. *The bill would require a city or county to provide written notification of a special event to each affected towing service and storage facility operator or keeper, thereby imposing a state-mandated local program.* The bill would prohibit a storage

facility operator or keeper who violates the above requirement from imposing any storage charges for the vehicle.

Because a failure to comply with this requirement would be a crime, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22658.3 is added to the Vehicle Code,
- 2 to read:
- 3 22658.3. (a) The storage facility operator or keeper who
- 4 holds a vehicle that is placed in storage following its removal
- 5 under subdivision (n) of Section 22651 shall, upon the in person
- 6 demand of the registered owner or the owner's agent, release the
- 7 vehicle within one hour if that demand is made during the storage
- 8 facility's business hours or within two hours if that demand is
- 9 made during nonbusiness hours of the storage facility and if the
- 10 following conditions apply:
- 11 (1) The vehicle was removed from a location within two miles
- 12 of the venue of a special event for which a permit was obtained

1 from a city or county and was removed up to 6 hours before, or 6
2 hours after, that event.

3 (2) The towing service responsible for the tow was under
4 contract with the city or county for the removal of vehicles parked
5 in violation of subdivision (n) of Section 22651.

6 (3) At least 48 hours prior to the occurrence of the special
7 event, the towing service and, if different, the storage facility
8 operator or keeper, was informed in writing *by the city or county*
9 about the special event and its hours of operation.

10 (b) *A city or county shall provide written notification to each*
11 *affected towing service and storage facility operator or keeper*
12 *regarding the occurrence of a special event consistent with the*
13 *conditions under subdivision (a) prior to the removal of a vehicle*
14 *parked in violation of subdivision (n) of Section 22651.*

15 (c) A storage facility operator or keeper who is in violation of
16 subdivision (a) may not impose any storage charges for the
17 vehicle.

18 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~the only costs that may be incurred by a local agency or school~~
21 ~~district will be incurred because this act creates a new crime or~~
22 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
23 ~~for a crime or infraction, within the meaning of Section 17556 of~~
24 ~~the Government Code, or changes the definition of a crime within~~
25 ~~the meaning of Section 6 of Article XIII B of the California~~
26 ~~Constitution.~~

27 *SEC. 2. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution for*
29 *certain costs that may be incurred by a local agency or school*
30 *district because in that regard this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section 17556 of*
33 *the Government Code, or changes the definition of a crime within*
34 *the meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*

36 *However, notwithstanding Section 17610 of the Government*
37 *Code, if the Commission on State Mandates determines that this*
38 *act contains other costs mandated by the state, reimbursement to*
39 *local agencies and school districts for those costs shall be made*
40 *pursuant to Part 7 (commencing with Section 17500) of Division*

1 *4 of Title 2 of the Government Code. If the statewide cost of the*
2 *claim for reimbursement does not exceed one million dollars*
3 *(\$1,000,000), reimbursement shall be made from the State*
4 *Mandates Claims Fund.*

O

